

denied, the court will direct that the document either be stricken or be unsealed.

There is a strong presumption of public access regarding judicial records. Courts have held that unless a record or document is one that has been “traditionally kept secret” the presumption is that the document is accessible by the public. *See for example Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178-81 (9th Cir. 2006).

Discussion

This Court deals with attorney fee applications on a regular basis and rarely, if ever, are the underlying time records filed under seal. Such records have not been traditionally kept secret in this Court. AIG has requested that this Court award it more than \$500,000 in attorney fees. Plaintiff will have an opportunity to oppose that request both as to entitlement and as to amount. In contesting amount, Plaintiff will be expected to point to specific time records that are improper or inadequately documented. AIG will then have an opportunity to reply before a hearing on the attorney fee request.


When the underlying time records are placed under seal, it makes the process outlined above needlessly cumbersome. Plaintiff’s Response must be filed under seal, the Court’s hearing may have to be closed in whole or in part. This is generally not requested or necessary in a routine insurance contract case.

Furthermore, AIG has not articulated sufficient facts warranting sealing of these exhibits. AIG’s motion is supported only with the general statement that the time records are “confidential.” That may be true – until AIG files a motion in a public lawsuit and asks this Court to review those time records, determine the reasonableness of the time spent on the case, the hourly rates charged and the services rendered. At that point, issues relating to AIG’s attorney fee request become public. Absent some unusual

circumstances that have not been identified here, I see no reason why Exhibit 9 to Defendant's Motion for Fees and Expenses should be sealed from public access.

Accordingly, the Motion for Order Allowing Filing of Exhibits Under Seal is **DENIED.**

DATED this 19th day of March 2009.



Paul J. Cleary
United States Magistrate Judge